

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION**

MDL NO. 1456
Civil Action No. 01-12257-PBS
Judge Patti B. Saris

THIS DOCUMENT RELATES TO

State of Nevada v. Abbott Labs., Inc. et al.,

Case No. CV02-00260 (Nevada I),

State of Nevada v. American Home Products, et al.,

CA No. 02-CV-12086-PBS (Nevada II), and

State of Montana v. Abbott Labs., Inc., et al.

CA No. 02-CV-12084-PBS

JOINT MOTION TO AMEND CMO NO. 15

Counsel for plaintiffs and defendants in the above-captioned actions hereby submit this joint motion to amend Case Management Order (“CMO”) No. 15 by replacing it with CMO No. 22.

CMO No. 15, dated April 15, 2005, called for a fact discovery cut-off in the Nevada and Montana actions of January 31, 2006; plaintiffs to serve their expert liability reports by March 3, 2006; defendants to serve their expert liability reports by April 3, 2006; and for summary judgment motions to be filed by April 3, 2006. The parties agree that more time is needed to complete fact discovery in these actions.

Accordingly, the parties have agreed to proposed Case Management Order No. 22, which extends the discovery cut-off from January 31, 2006 to June 1, 2006. The dates for expert reports remain keyed to the close of fact discovery and are similarly extended, with

adjustments made to account for summer schedules. The CMO has also been modified to allow for additional time between the filing of expert reports and summary judgment motions.

Respectfully submitted on behalf of
Plaintiffs and Defendants in the Nevada and
Montana actions,

/s/ Geoffrey E. Hobart

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January 20, 2006

Certificate of Service

I hereby certify that on January 20, 2006, I caused a true and correct copy of this Joint Motion to Amend CMO No. 15, together with a copy of the proposed CMO No. 22, to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 in MDL No. 1456.

/s/ Jason R. Litow